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4 UNITED STATES DISTRICT COURT
5 WESTERN DISTRICT OF WASHINGTON
6 AT SEATTLE

7 UNITED STATES OF AMERICA,

8 Plaintiff,

9 v.

10 TUYET THI BACH NGUYEN,

11 Defendant.

No. CR05-270-RSL

ORDER DENYING RELEASE
PENDING APPEAL

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13 This matter comes before the Court on defendant's "Motion for Release Pending
14 Appeal" (Dkt. #345). The Court, having considered the memoranda and oral arguments of both
15 parties, finds that defendant's motion should be denied. The Court instead suggests, and the
16 parties have agreed, to jointly apply to expedite the appeal to the Court of Appeals.

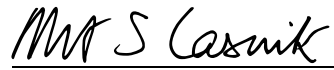
17 The Court finds that although defendant has raised a substantial question of law
18 and is neither a flight risk nor a danger to the community, an expedited appeal, which is likely to
19 take nine to twelve months, is not likely to result in a reduced sentence "less than the total of the
20 time already served plus the expected duration of the appeal process." 18 U.S.C. § 3143(b)(iv).
21 Even using defense counsel's proffered calculations of up to six months per count, a reduced
22 sentence could likely total eighteen months, substantially more than the time served during an
23 expedited appeal process.

24 The Court is also concerned that the appeal is partially for the purpose of delay and
25 that nine years between the crime and punishment is long enough to justify having this sentence
26 served now. 18 U.S.C. § 3143(b).

ORDER DENYING RELEASE PENDING APPEAL

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2 Therefore, defendant's motion is denied.

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4 Dated this 13th day of October, 2009.

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7 Robert S. Lasnik
8 United States District Judge
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